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In re Application of CAPEWELL et al
U.S. Application No.: 10/595,658
PCT Application No.: PCT/GB2004/050022
Int. Filing Date: 28 October 2004
Priority Date Claimed: 12 November 2003
Attorney Docket No.: MARSP0175US
For: FORMATION OF LATTICE-TUNING
SEMICONDUCTOR SUBSTRATES

DECISION

This is in response to applicant's petition under 37 CFR 1.182 filed 11 March 2009.

BACKGROUND

On 28 October 2004, applicant filed international application PCT/GB2004/050022, which claimed priority of an earlier United Kingdom application filed 12 November 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 26 May 2005. The thirty-month period for paying the basic national fee in the United States expired on 12 May 2006.

On 03 May 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the EFS-Web electronic filing system of the USPTO ("EFS-Web"). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and a transmittal letter. The transmittal letter and the data entered into the EFS-Web user interface identified the international application number as PCT/JP2004/050022.

On 29 October 2008, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and an official filing receipt.

On 11 March 2009, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that applicant inadvertently entered the wrong international application number in the transmittal letter and the EFS-Web user interface. A review of the papers filed 03 May 2006 reveals that the correct international application number PCT/GB2004/050022 was present on various papers. Furthermore, the title of invention, first named applicant, and other bibliographic data in the transmittal letter and EFS-Web electronic acknowledgement receipt is otherwise consistent with international application number PCT/GB2004/050022. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 29 October 2008 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) which should indicate the correct international application number PCT/GB2004/050022.



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ATTACHMENT: corrected filing receipt